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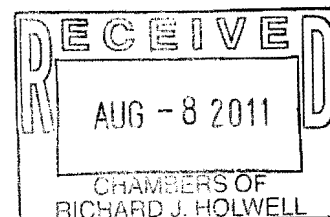
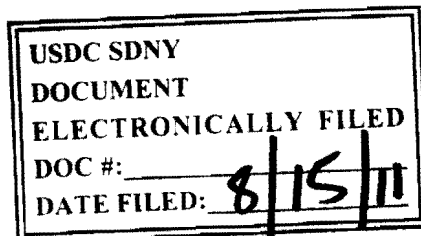
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August 8, 2011

VIA FACSIMILE ONLY

Hon. Richard J. Holwell, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: Copantitla, et al. v. Fiskardo Estiatorio, Inc. d/b/a Thalassa Restaurant, et al.
Case No. 09-Civ.-1608

Dear Judge Holwell:

This firm represents defendants in the above-referenced case. We submit this letter jointly with plaintiffs' counsel to seek guidance from the Court on how direct examination testimony will be presented at trial scheduled to commence on September 19, 2011. We raise this question because there was discussion of using affidavits for direct testimony during a pre-motion conference with the Court but the format of direct testimony is not addressed in the Revised Scheduling and Trial Order [Doc. No. 122]. Plaintiffs and defendants respectfully request that they be permitted to present live direct testimony if that is acceptable to the Court. If, however, the Court directs the parties to submit affidavits for direct testimony instead, we suggest the parties exchange affidavits and submit them to the Court on September 9, 2011. The parties are available for a telephone conference with the Court at its convenience to discuss this matter.

In addition, both parties also request a modification to the Revised Scheduling and Trial Order, which directs the parties to exchange "a complete set of exhibits" and to deliver them to chambers on August 19, 2011. Many of the potential exhibits in this case will consist of employee time cards and payroll records which pertain to wage-and-hour damages calculations and could encompass thousands of pages of documents. The parties request that the exchange of final exhibits and their delivery to chambers be adjourned one week to August 26, 2011 in order to give the parties additional time to exchange damages calculation summaries and possibly stipulate to a damages amount with the goal of avoiding the need to present thousands of pages of documentary evidence of wage-and-hour damages at trial.

Lowenstein Sandler PC In California, Lowenstein Sandler LLP

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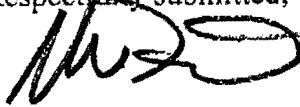
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Respectfully submitted,



David W. Field

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cc: David Colodny, Esq.
Daniel Lewis, Esq.
Marc Ashley, Esq.

<u>Request Requests granted. The</u>	
<u>parties shall exchange</u>	
<u>exhibits by 8/26/11. Live</u>	
<u>direct testimony is</u>	
<u>acceptable.</u>	
<hr/>	
SO ORDERED:	
Date: <u>8/8/11</u>	Richard J. Holwell, U.S.D.J.

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